State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 03-015
November 6, 2003

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the Chloride Objective for Reach 3 at Santa Paula in the Lower Santa Clara River

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.

2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).

3. The Basin Plan contains a chloride objective for Reach 3 of the Santa Clara River. The objective is based on protection of agricultural supply and groundwater recharge beneficial uses. The chloride objective for Reach 3 of the Santa Clara River is 80 mg/L and is based on recommendations made by the Regional Board staff and adopted in 1978.

4. The amendment proposed for adoption into the Basin Plan will update the current chloride objective for Reach 3 at Santa Paula in the lower Santa Clara River to recognize changes in water quality due to imported water supply over the last few decades and a recent assessment of a larger data set.

5. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards. The Santa Clara River was listed on California's 2002 section 303(d) list, due to impairment for chloride compounds.

6. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan.

7. The proposed amendment is based on a more recent technical assessment of the most appropriate chloride indicators. Specifically, the existing objective was set based on chloride data collected between 1951 and 1975 which varied from 20 to 220 mg/L. While the mean annual values ranged from 60-80 mg/L, the data set contains more measurements collected at high flow and documents a strong inverse relationship between flow and chloride concentration. As a result, staff concludes that a higher objective is more representative of the average water quality in the lower Santa Clara

River. The existing data set documents that the proposed water quality objective of 100 mg/L was achieved 95% of the time both at present and in the past.

8. Further, as demonstrated in a staff presentation to the Regional Board in December 2000 regarding the chloride objective in the lower Santa Clara River, there is ample evidence that a chloride objective of 100 mg/L is sufficiently protective of the most sensitive beneficial use, agricultural supply.

9. On December 7, 2000, the Regional Board revised the water quality objective for chloride in the Santa Clara River at Santa Paula from 80 to 100 mg/L (Resolution 00-20). The Resolution was not forwarded to the State Board due to a problem with the adequacy of the public notice for Resolution 00-20. The Regional Board staff determined that the item needed to be reconsidered by the Regional Board.

10. The Regional Board adopted a chloride TMDL for the upper Santa Clara River on July 10, 2003 that will be heard by the State Water Quality Control Board (State Board) in 2004. The TMDL is designed to attain a water quality objective of 100 mg/L.

11. In June 2003, the U.S. EPA promulgated a chloride TMDL for the Lower Santa Clara River including Reach 3 at Santa Paula. The EPA staff report states that U.S. EPA is supportive of a chloride objective change to 100 mg/L and notes that the objective change is consistent with the Regional Board's proposed Chloride TMDL for the Upper Santa Clara River. The Regional Board subsequently adopted the Chloride TMDL for the Upper Santa Clara River on July 10, 2003.

12. The Regional Board, in reviewing the staff presentation and relevant materials in the administrative record, considered the factors required by Water Code section 13241. The past, present, and future beneficial uses of Reach 3 have been considered previously and, for purposes of a chloride objective, the most sensitive use continues to be agriculture supply. Environmental characteristics of Reach 3 are identified in the staff materials and reflect a river reach with variable chloride concentrations. Based on an analysis of the relevant data, the updated chloride objective in Reach 3 is consistent with those historical characteristics. Water quality conditions that could reasonably be achieved were considered in setting the existing chloride objective. Based on a review of the chloride data, the Regional Board concludes that a revised chloride objective of 100 mg/L is reasonable recognizing the increasing chloride loads and efforts to control and abate sources of chloride loading. The Regional Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits. The amendment relaxes the existing objective to a level consistent with historical data. As a result, the cost of implementing the revised objective is potentially less than the costs of implementing the existing objective. For similar reasons, the objective change should not adversely affect the need for developing housing within the region or for recycled water.

13. The proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife.

14. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).

15. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

16. The basin planning process has been certified as 'functionally equivalent' to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.).

17. Regional Board staff has prepared an summary dated September 9, 2003, describing the proposed amendment, and sent the summary to all known interested persons to allow a 45-day public comment period in advance of the public hearing.

18. The Regional Board held a public hearing on November 6, 2003, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244.

19. The Basin Plan amendment must be submitted for review and approval by the SWRCB, Office of Administrative Law (OAL), and U.S. EPA. Once approved by the SWRCB, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that

1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region as set forth in the attachment.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.

3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.

4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 6, 2003.

Dennis A. Dickerson
Executive Officer

ATTACHMENT

In Chapter 3 "Water Quality Objectives" of the Basin Plan, replace line 6 on Table 3-8 Water Quality Objectives for Selected Constituents in Inland Surface Waters under "*chloride*" on p. 3-12 with the following:

	Chloride (mg/L)
Between A street, Fillmore and Freeman Diversion " Dam " near Saticoy	~~80~~ 100

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 04-023
March 4, 2004

Amendment to the Water Quality Control Plan for the Los Angeles Region to Amend the Total Maximum Daily Load for Trash in the Ballona Creek and Wetland.

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses for each water body found within its region.

2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.

3. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

4. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). This Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

5. Ballona Creek is located in Los Angeles County, California. Ballona Creek flows slightly over 10 miles from the City of Los Angeles, through Culver City, reaching the ocean at Playa del Rey. Adjacent to the downstream channel of Ballona Creek are the Marina del Rey Harbor, Ballona Lagoon, Venice Canals, Del Rey Lagoon, and Ballona Wetlands.

6. On September 19, 2001, the Regional Board adopted the Ballona Creek and Wetland Trash TMDL. The TMDL subsequently was approved by the State Water Resources Control Board on February 19, 2002 and by the Office of Administrative Law on July 18, 2002. The United States Environmental Protection Agency approved the Ballona Creek and Wetland Trash TMDL on August 1, 2002.

7. The City of Los Angeles and the County of Los Angeles both filed petitions and complaints in Los Angeles Superior Court challenging the current Ballona Creek Trash TMDL. Subsequent negotiations led to a settlement agreement, which became effective on September 23, 2003. The Basin Plan amendment incorporates the negotiated language into the Ballona Creek and Wetland TMDL.

8. On *March 4, 2004*, prior to the Board's action on this resolution, public hearings were conducted on the Ballona Creek and Wetland Trash TMDL. Notice of the hearing for the *Ballona Creek and Wetland Trash TMDL* was published in accordance with the requirements of Water Code section 13244. This notice was published in the Los Angeles Times.

9. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13242 of the Water Code.

10. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).

11. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents (Public Resources Code, section 21000 et seq.) and as such, the required environmental documentation and CEQA environmental checklist have been prepared.

12. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.

13. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).

14. The Basin Plan amendment incorporating minor changes to the *Ballona Creek and Wetland Trash TMDL* must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

15. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendments to Chapters 3 and 7 of the Water Quality Control Plan for the Los Angeles Region, as set forth in Attachment A hereto, to incorporate revisions to the Ballona Creek and Wetland Trash TMDL.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.

3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.

4. If during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 4, 2004.

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. 04-023

Amendments

to the

Water Quality Control Plan – Los Angeles Region

for the

Ballona Creek Trash TMDL

Amendments:

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Ballona Creek Trash TMDL*

Add a second paragraph documenting the dates when the amendment to the Ballona Creek Trash TMDL was adopted and approved.

"This TMDL was amended by:

The Regional Water Quality Control Board on March 4, 2004.
The State Water Resources Control Board on [Insert Date]
The Office of Administrative Law on [Insert Date]
The U.S. Environmental Protection Agency on [Insert Date]"

Table 7-3.1 Ballona Creek Trash TMDL Elements

Add to Table 7-3.1, Row 6, "Implementation":

"Compliance with the final waste load allocation may be achieved through a full capture system. A full capture system is any device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate (Q) resulting from a one-year, one-hour, storm in the subdrainage area. Rational equation is used to compute the peak flow rate: $Q = C \times I \times A$, where Q = design flow rate (cubic feet per second, cfs); C = runoff coefficient (dimensionless); I = design rainfall intensity (inches per hour, as determined per the rainfall isohyetal map in Figure A), and A= subdrainage area (acres). The isohyetal map may be updated annually by the Los Angeles County hydrologist to reflect additional rain data gathered during the previous year. Annual updates published by the Los Angeles County Department of Public Works are prospectively incorporated by reference into this TMDL and accompanying Basin Plan amendment."

Add Figure A, referenced in Table 7-3.1.

Table 7-3.2 Ballona Creek Trash TMDL: Implementation Schedule

Add footnote to Table 7-3.2:

"Notwithstanding the zero trash target and the default waste load allocations shown in Table 7-3.2, a Permittee will be deemed in compliance with the Trash TMDL in areas served by a Full Capture System within the Ballona Creek and Estuary Watershed."

Change existing footnote 1 to footnote 2 and modify language to clarify that the Regional Board will conduct the review and will reconsider the final Waste Load Allocations:

[2] The Regional Board will review and reconsider the final Waste Load Allocations once a reduction of 50% has been achieved and sustained.

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries
Ballona Creek Trash TMDL*

This TMDL was adopted by:

The Regional Water Quality Control Board on September 19, 2001.
The State Water Resources Control Board on February 19, 2002.
The Office of Administrative Law on July 18, 2002.
The U.S. Environmental Protection Agency on August 1, 2002.

This TMDL was amended by:

The Regional Water Quality Control Board on March 4, 2004.
The State Water Resources Control Board on [Insert Date]
The Office of Administrative Law on [Insert Date]
The U.S. Environmental Protection Agency on [Insert Date]"

The following table presents the key elements of this TMDL.

Table 7-3.1 Ballona Creek: Trash TMDL Elements

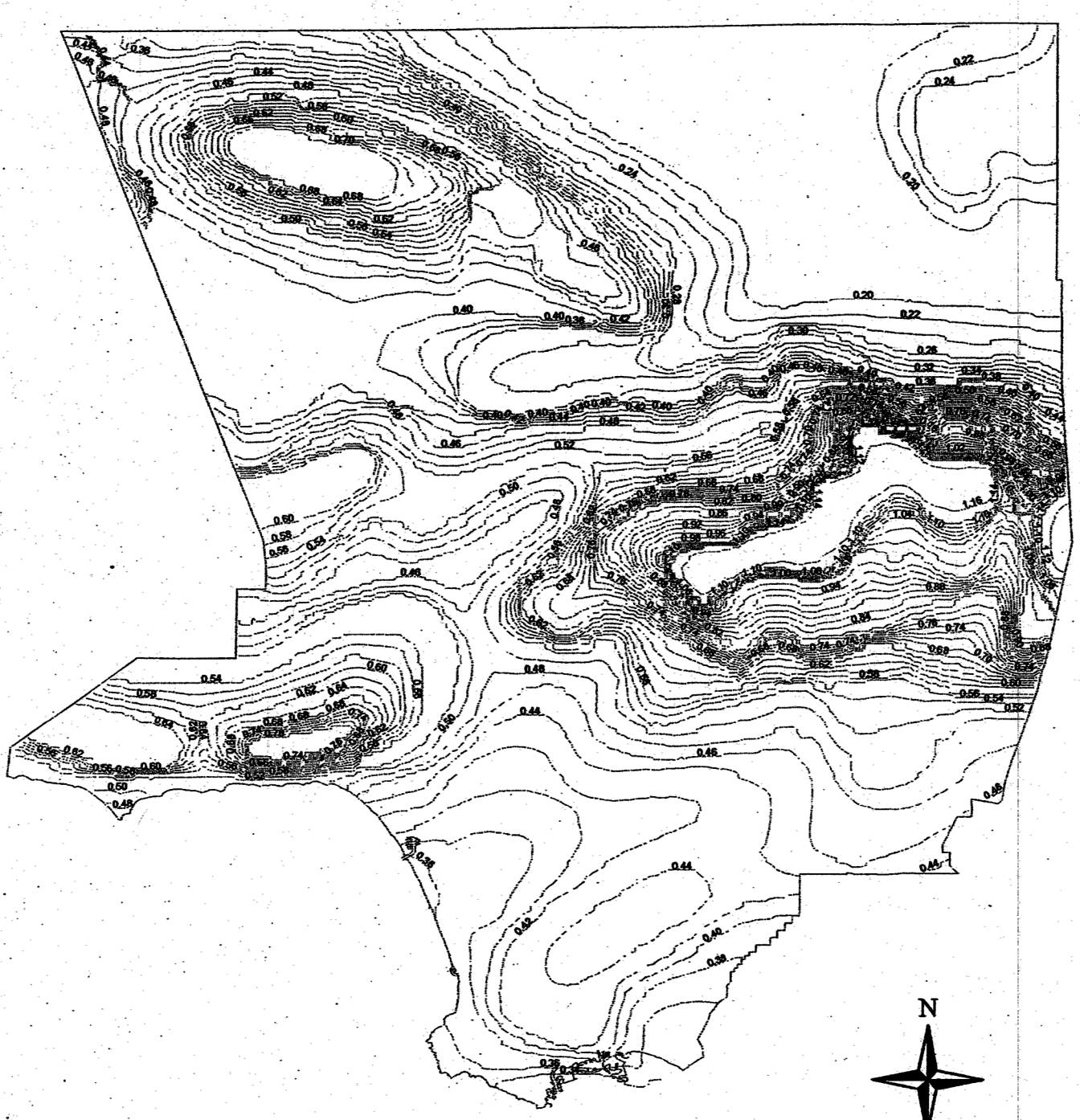
Element	Derivation of Numbers
Problem Statement	Trash in Ballona Creek is causing impairment of beneficial uses. The following designated beneficial uses are impacted by trash: water contact recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); wildlife habitat (WILD), estuarine habitat (EST); marine habitat (MAR); rare and threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction and early development of fish (SPWN); commercial and sport fishing (COMM); shellfish harvesting (SHELL); wetland habitat (WET); and cold freshwater habitat (COLD).
Numeric Target *(interpretation of the narrative water quality objective, used to calculate the load allocations)*	Zero trash in the river.
Source Analysis	Stormwater discharge is the major source of trash in the river.

Loading Capacity	Zero.
Waste Load, Allocations	Phased reduction for a period of 10 years, from existing baseline load to zero.
Implementation	This TMDL will be implemented through stormwater permits and via the authority vested in the Executive Officer by section13267 of the Porter-Cologne Water Quality Control Act: Water Code section 13000 et seq. Compliance with the final waste load allocation may be achieved through a full capture system. A full capture system is any device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate (Q) resulting from a one-year, one-hour, storm in the subdrainage area. Rational equation is used to compute the peak flow rate: $Q = C \times I \times A$, where Q = design flow rate (cubic feet per second, cfs); C = runoff coefficient (dimensionless); I = design rainfall intensity (inches per hour, as determined per the rainfall isohyetal map in Figure A), and A= subdrainage area (acres). The isohyetal map may be updated annually by the Los Angeles County hydrologist to reflect additional rain data gathered during the previous year. Annual updates published by the Los Angeles County Department of Public Works are prospectively incorporated by reference into this TMDL and accompanying Basin Plan amendment.
Margin of Safety	"Zero discharge" is a conservative standard which contains an implicit margin of safety.
Seasonal Variations and Critical Conditions	Discharge of trash from the storm drain occurs primarily during or shortly after a rain event of greater than 0.25 inches.

*The complete administrative record for the TMDL is available for review upon request.

Figure A

1-Year 30-Min Rainfall Intensity (Inches/Hour)



N

10 0 10 20 30 40 Miles

1yr 30min intensity.shp
La county boundary.shp

Table 7-3.2 Ballona Creek Trash TMDL: Implementation Schedule.[1]
(Default waste load allocations expressed as cubic feet of uncompressed trash and % reduction.)

Year	Baseline Monitoring/ Implementation	Waste Load Allocation	Compliance Point
1 10/1/01-- 9/30/02	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
2 10/1/02-- 9/30/03	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
3 10/1/03-- 9/30/04	Baseline Monitoring (optional)/ Implementation: Year 1	90% (9,985 for the Municipal permittees, 1,472 for Caltrans)	No compliance point (target of 90%)
4 10/1/04-- 9/30/05	Baseline Monitoring (optional)/ Implementation: Year 2	80% (8,875 for the Municipal permittees, 1,308 for Caltrans)	No compliance point (target of 80%)
5 10/1/05-- 9/30/06	Implementation: Year 3	70% (7,776 for the Municipal permittees; 1,146 for Caltrans)	Compliance is 80% of the baseline load calculated as a rolling 3-year annual average (8,875 for the Municipal permittees; 1,308 for Caltrans).
6 10/1/06-- 9/30/07	Implementation: Year 4	60% (6,656 for the Municipal permittees; 981 for Caltrans)	70% of the baseline load the baseline load calculated as a rolling 3-year annual average (7,776 for the Municipal permittees; 1,146 for Caltrans).
7 10/1/07-- 9/30/08	Implementation: Year 5[2]	50% (5,547 for the Municipal permittees; 818 for Caltrans)	60% of the baseline load calculated as a rolling 3-year annual average (6,656 for the Municipal permittees; 981 for Caltrans)
8 10/1/08-- 9/30/09	Implementation: Year 6	40% (4,438 for the Municipal permittees; 654 for Caltrans)	50% of the baseline load calculated as a rolling 3-year annual average (5,547 for the Municipal permittees; 818 for Caltrans).
9 10/1/09-- 9/30/10	Implementation: Year 7	30% (3,328 for the Municipal permittees; 491 for Caltrans)	40% of the baseline load calculated as a rolling 3-year annual average (4,438 for the Municipal permittees; 654 for Caltrans).
10 10/1/10-- 9/30/11	Implementation: Year 8	20% (2,218 for the Municipal permittees; 327 for Caltrans).	30% of the baseline load calculated as a rolling 3-year annual average (3,328 for the Municipal permittees; 491 for Caltrans).
11 10/1/11-- 9/30/12	Implementation: Year 9	10% (1,110 for the Municipal permittees; 164 for Caltrans).	20% of the baseline load calculated as a rolling 3-year annual average (2,220 for the Municipal permittees; 327 for Caltrans).
12 10/1/12-- 9/30/13	Implementation: Year 10	0 or 0 % of the baseline load.	10% of the baseline load calculated as a rolling 3-year annual average (1,110 for the Municipal permittees; 164 for Caltrans.
13 10/1/13-- 9/30/14	Implementation: Year 11	0 or 0 % of the baseline load.	3.3 % of the baseline load calculated as a rolling 3-year annual average (366 for the Municipal permittees, 54 for Caltrans).
14 10/1/14-- 9/30/15	Implementation: Year 12	0 or 0 % of the baseline.	0 or 0 % of the baseline load.

[1] "Notwithstanding the zero trash target and the default waste load allocations shown in Table 7-3.2, a Permittee will be deemed in compliance with the Trash TMDL in areas served by a Full Capture System within the Ballona Creek and Estuary Watershed."

[2] The Regional Board will review and reconsider the final Waste Load Allocations once a reduction of 50% has been achieved and sustained.

Table7-3.3. Ballona Creek Trash TMDL: Significant Dates.

30 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code annual average.	Submit baseline monitoring plan(s).
120 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code.	List of facilities that are outside of the permittee's jurisdiction but drain to a portion of the permittee's storm drain system, which discharges to Ballona Creek.
Within the first 2 years after approval of this basin plan amendment; to be extended to 4 years at the option of the permittees	Collection of baseline data.
72 hours after each rain event	Clean out of and measurement of trash retained.
Every 3 months during dry weather	Clean out of and measurement of trash retained.